

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SAMIR ALI CHERIF BENOUIS,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

MATCH GROUP, INC., AMANDA W.
GINSBERG, and GARY SWIDLER,

Defendants.

Case No.: 3:19-cv-02356

**STIPULATION AND ORDER REGARDING VOLUNTARY
DISMISSAL OF THE ACTION PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

The Parties hereby stipulate to the dismissal of this action with prejudice by the Lead Plaintiff, Samir Ali Cherif Benouis (“Benouis”), as to Defendants Match Group, Inc., Amanda W. Ginsberg, and Gary Swidler (collectively, “Defendants”) pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and as grounds therefor state as follows:

WHEREAS, Phillip R. Crutchfield (“Crutchfield”) filed the original complaint in this action on October 3, 2019;

WHEREAS, Crutchfield and Benouis were appointed Co-Lead Plaintiffs in this action on January 6, 2020 (Dkt. No. 22);

WHEREAS, the Court denied Defendants’ motion to dismiss Crutchfield’s and Benouis’s second amended complaint on November 19, 2021 (Dkt. No. 63) and discovery commenced;

WHEREAS, on February 17, 2022, the Court entered an Order granting Crutchfield’s unopposed motion to voluntarily dismiss his claims against Defendants and retain his rights as a putative Class member (Dkt. No. 81);

WHEREAS, briefing on Benouis's class certification motion (Dkt. No. 82) has not been completed and no class has been certified;

WHEREAS, Benouis withdraws his motion for class certification in connection with this stipulation; and

WHEREAS, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), a plaintiff may dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by counsel for the Parties below, that:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), this action is dismissed with prejudice by Benouis as to all Defendants, with each side to bear its own attorneys' fees and costs incurred in connection with this action.

2. No class has been certified in this matter. Accordingly, this dismissal is entered on an individual basis as to Benouis and is not a class-wide judgment. Because no class has been certified, and because this stipulation does not propose to resolve the claims of other putative class members, Fed. R. Civ. P. 23(e) is not triggered and notice to putative class members is not required.

3. This Stipulation shall not be construed against the party preparing it but shall be construed as if the parties jointly prepared this Stipulation, and any uncertainty or ambiguity shall not on the ground of authorship be interpreted against any one party.

4. The parties respectfully request entry of a final, non-appealable order dismissing this action.

IT IS SO ORDERED.

DATED: _____, 2022

THE HONORABLE KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE

Dated: August 12, 2022

Respectfully submitted,

/s/ Matthew L. Tuccillo

Matthew L. Tuccillo

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Dated: August 12, 2022

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